

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY
CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: 2004-160001-PCW

REGULATORY PROJECT MANAGER: Patricia C. Wright **Date:** 10/15/04

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Yes **Date:** 10/15/04

At the project site (Y/N) No **Date:**

PROJECT LOCATION INFORMATION:

State: Minnesota

County: Swift

Center coordinates of site by latitude & longitude coordinates: Lat/Long 45.21489547 -96.00092054

Approximate size of site/property (including uplands) in acres 40 acres

Name or waterway of watershed: Pomme de Terre

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type) Gravel Pit	.3 Acres Impacted								Other wetlands on site, size unknown

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-

jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Approved

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): The project area consists of a number of isolated gravel pits, which were excavated out of Renshaw Loam, 0 to 3 percent slopes. These soils are somewhat excessively drained soils and occur on terraces. The soils are not hydric and have no discernable water table, flooding or ponding. The gravel pit is an isolated basin but there was some question on whether or not it would be adjacent to the Pomme de Terre River. Information submitted by the applicant stated that the site is located 1,380 feet from the river and is separated by U.S. Highway 59. The site was determined not to be adjacent on the basis of the information reviewed. Soil maps and other soil survey information indicated that the soils were better drained and on terraces, not the flood plain. The FEMA maps confirmed that the area is out of the 100-year flood plain. The topographic maps indicated the project area is at a higher elevation than the flood plain or the river.